

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

THINKOPTICS, INC.,	§	
	§	
PLAINTIFF,	§	
	§	
vs.	§	NO. 6:11-cv-00455-LED
	§	
NINTENDO OF AMERICA INC., ET AL.,	§	JURY TRIAL DEMANDED
	§	
DEFENDANTS.	§	

NINTENDO'S NOTICE OF INITIAL
DEPOSITION DESIGNATIONS

Pursuant to the Court's Discovery Order (ECF No. 165), Amended Docket Control Order (ECF No. 243), and agreements between the parties, Defendants Nintendo of America Inc., and Nintendo Co., Ltd. (collectively "Nintendo") hereby notify ThinkOptics, Inc. ("ThinkOptics") and the Court of the attached initial disclosure of deposition designations.

Nintendo notes these deposition designation are preliminary and subject to change. For example, the scope of the claims and defenses in the case, nature and content of Plaintiff's trial presentation, and the Court's rulings regarding dispositive motions and pending evidentiary disputes, are presently unknown. Nintendo therefore expects, and reserves the right, to amend or supplement this disclosure at an appropriate time before trial. In accordance with the applicable Federal and Local Rules, Nintendo

also reserves the right to rely on additional deposition testimony for impeachment purposes.

Nintendo's identification of deposition testimony does not indicate that Nintendo stipulates to the admissibility of that testimony for any particular purpose. Rather, Nintendo may object to admissibility of any designations disclosed by ThinkOptics, in accordance with the applicable rules of evidence. Thus, Nintendo's deposition designations cannot be reasonably interpreted as a waiver of any objections or motion to exclude evidence.

Dated: May 22, 2014.

By: /s/ Grant Kinsel
(with permission by Tyler C. Peterson)
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Attorneys for Nintendo of America Inc.
and Nintendo Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via electronic mail on May 22, 2014. Any other counsel of record will be served by first class mail on this date.

/s/ Tyler Peterson
Tyler C. Peterson

Nintendo's Designations	ThinkOptics's Objections to Nintendo's Designations	ThinkOptics's Rebuttal Designations	Nintendo's Objections to ThinkOptics's Rebuttal Designations
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